

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

HOWARD E. MARTIN, III,

Plaintiff,

v.

STATE OF OHIO,

Defendant.

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Case No. 2:18-CV-1147

JUDGE ALGENON L. MARBLEY

Magistrate Judge Vascura

OPINION & ORDER

This matter is before the Court on Plaintiff Howard E. Martin, III's ("Martin") Motion for Default Judgment Demand Hearing (ECF No. 32). For the reasons set forth below, Martin's Motion is **DENIED** without prejudice.

Martin filed this Motion relating to his lawsuit against his former employer, E.W. Scripps Company ("Scripps") for Title VII violations. However, he filed this Motion under the case number for his separate, unrelated lawsuit against the State of Ohio. Local rules in the U.S. District Court for the Southern District of Ohio require parties to include the correct case numbers on all of their pleadings. S.D. Ohio Civ. R. 5.1(b).

In the event that a document is inadvertently filed under the wrong case number, local rule 5.1(f) requires the clerk to delete the document. S.D. Ohio Civ. R. 5.1(f). The clerk must electronically notify the filer and the party may then file the document immediately "in the correct case record without seeking the consent of opposing counsel or the Court. *Id.* However, "[c]ounsel and parties should not assume that such relief is available when deadlines are involved (such as statutes of limitation or deadlines for appeal)." *Id.*

The Court cannot rule on the Motion until it is filed with the correct case. The Motion for Default Judgment Demand Hearing is **DENIED** without prejudice.

IT IS SO ORDERED.

s/Algenon L. Marbley
ALGENON L. MARBLEY
UNITED STATES DISTRICT JUDGE

DATED: November 15, 2019